Calendar No. 699

100TH CONGRESS
2d Session

SENATE

REPORT
100-366

FORT LINCOLN STATE PARK, MANDAN, NORTH DAKOTA

MAY 27 (legislative day, MAY 18), 1988.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1690]

The Committee on Energy and Natural Resources to which was referred the bill (S. 1690) to amend the Historic Sites, Buildings, and Antiquities Act of 1935, and for other purposes, having considered the same, reports favorably thereon with an amendment to the title and recommends that the bill do pass.

Amend the title so as to read:

> A bill to provide financial assistance to Fort Abraham Lincoln and related structures located in Fort Lincoln State Park, Mandan, North Dakota, and for other purposes.

PURPOSE OF THE MEASURE

The purpose of S. 1690 is to authorize financial assistance for the restoration and reconstruction of Fort Abraham Lincoln located near Mandan, North Dakota.

BACKGROUND AND NEED

Fort Abraham Lincoln, which dates from the 1870's, played an important role in the settlement of America's West, and offers insights to one of America's most controversial and legendary military commanders, General George Armstrong Custer. It was from Fort Abraham Lincoln that General Custer led his ill-fated campaign against the Plains Indians to the Battle of the Little Bighorn. The steamer *Far West* docked at Fort Abraham Lincoln with the wounded from that campaign and news of the legendary battle.

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Fort Lincoln is a befitting and picturesque reminder of the pivotal role that the Federal Government play in the settlement of the West. The infantry post, sitting high atop a bluff overlooking the expansive Missouri River Valley, and the cavalry post, situated below on the banks of the river, provide an impressive setting for the fort.

The Lewis and Clark expedition, which passed the site of the future fort in 1804 and 1806, proved the feasibility of an overland route to the area. Passage of the Homestead Act in 1862 and other statutes, opened the West to settlement and the charter to the Northern Pacific Railroad, made the area even more accessible.

The Indian inhabitants of the plains resented the intrusion of white settlers and the railroad into their lands, and that prompted the Federal Government to establish a system of military forts, including Fort Lincoln, to protect "the public interest." Fort Lincoln quickly became the supply and distribution center for the area and the place where troops gathered for various campaigns, such as the 1874 Black Hills expedition and the ill-fated 1876 expedition from which Custer never returned.

The most famous period at Fort Lincoln began with the arrival of the 7th Cavalry in September 1873 and continued through the remainder of the 1870's, the time during which the post was the supply center for the Department of the Dakota activities and the nucleus of the Indian campaigns. During this period Fort Lincoln played a major role in the expansion of western communication routes and settlement.

The Fort is also known as the home for 3 years to George and Libby Custer. George Armstrong Custer lives in minds of everyone who has studied the settlement of the American West and his defeat at the Battle of the Little Bighorn in perhaps the most widely known event in the period.

General Custer and the 7th Cavalry arrived at Fort Lincoln in the fall of 1873. In February 1874, only a few months after they had arrived at the Fort, the Custer home burned to the ground. The army issued blueprints and authorized a budget to reconstruct a replacement residence that was larger and better suited for the military and social entertaining expected of a commanding officer and has wife.

Extensive research in the Old Army and Navy Division of the National Archives indicates that an authentic reconstruction of the Fort, including the Custer home, is possible. The military kept accurate, detailed and extensive records of all the proceedings at the Fort. Historians have uncovered architectural drawings, and the journals kept by the construction quartermaster confirm the drawings' authenticity and accuracy.

In sum, Fort Abraham Lincoln holds tremendous potential to offer rich insights into the settlement of the American West and intriguing enlightment of the life and times of an authentic American legend.

LEGISLATIVE HISTORY

S. 1690 was introduced by Senator Conrad on September 16, 1987. A hearing was conducted by the Subcommittee on Public Lands, National Parks and Forests on April 14, 1988.

At the business meeting on May 18, 1988, the Senate Committee on Energy and Natural Resources ordered S. 1690, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 18, 1988, by unanimous vote of a quorum present, recommends that the Senate pass S. 1690 as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	

*Indicates voted by proxy.

COMMITTEE AMENDMENT

The Committee adopted a technical amendment to the title.

SUMMARY OF MEASURE

S. 1690, as ordered reported, would authorize the Secretary of the Interior to provide financial assistance for the restoration and reconstruction of Fort Abraham Lincoln and related structures located in Fort Lincoln State Park, Manden, North Dakota. The authorization would be in furtherance of the purposes of subsections 2(e) and 2(f) of the Act of August 21, 1935, the Historic Sites, Buildings and Antiquities Act (49 Stat. 666).

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 27, 1988.

Hon. J. BENNETT JOHNSTON, Jr.
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1690, a bill to amend the Historic Sites, Buildings, and Antiquities Act of 1935, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources on May 18, 1988. S. 1690 would authorize the Secretary of the Interior to provide financial assistance for the restoration of Fort Abraham Lincoln and related structures.

Assuming that the full amounts necessary for such restoration are appropriated, CBO estimates that federal outlays for this purpose would be about $2 million during fiscal years 1989 through 1991. This amount would most likely be provided as grants to the State of North Dakota and/or the Fort Abraham Lincoln Foundation to be used for construction-related activities.

If you wish further details of this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM, *Acting Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1690. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1690, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 1690 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 10, 1988.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 1690, a bill "To amend the Historic Sites, Buildings, and Antiquities Act of 1935, and for other purposes."

We oppose enactment of S. 1690.

S. 1690 would authorize the Secretary of the Interior to provide financial assistance for the restoration and reconstruction of Fort

Abraham Lincoln and related structures located in Fort Lincoln State Park, Mandan, North Dakota. The authorization is stated in the bill to be in furtherance of the purposes of subsections 2(e) and 2(f) of the Act of August 21, 1935 (49 Stat. 666).

Fort Abraham Lincoln dates from the 1870's. The fort was abandoned in 1895. In the 1930's, the fort was reconstructed by the Civilian Conservation Corps and the Work Progress Adminstration. There are no surviving historic buildings. The reconstructed fort is not listed on the National Register of Historic Places.

The authorities available to the Secretary under the Act of August 21, 1935, are only available with respect to properties which are nationally significant. This reconstructed fort does not qualify as being nationally significant. The 1935 Act authorizes the Secretary to assist in the preservation of such properties through contracts and cooperative agreements with their owners. Lincoln since the property lacks national significance. It is equally inappropriate, in our view, to authorize such assistance in specific legislation such as S. 1690.

This property is part of a State park. The State should continue to provide whatever restoration and reconstruction funds that may be warranted. The historic theme which Fort Abraham Lincoln would represent, "Westward Expansion: Military and Indian Affairs," is already well represented within the National Park System.

For these reasons, we oppose S. 1690.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

SUSAN RECCE,
Acting Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1690, as reported.

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